

### **REMARKS**

This paper is responsive to the Office Action dated June 29, 2005.

In the specification, various informalities and typographical errors not previously found are corrected herein. No new matter is added.

Claims 1-23 remain in this application. As stated in the Office Action, claims 24-25 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b). The Applicant retains the right to present claims 24-25 in a divisional application.

In the Office Action, the Examiner objected to claim 23 because the range "1 22" should be "1-22." Applicant's counsel has reviewed the subject claim in the original file copy, the photocopy of the application as submitted to the PTO and in the electronic records of the claim. In all of those records, the dash between "1" and "22" appears. For that reason, claim 23 is designated as original in the "Listing of Claims" set out above.

Claim 1 is currently amended herein to more accurately reflect features of embodiments disclosed in the written description and to further clarify the claim language used in view of the written description. In response to the Examiner's comments, claim 1, as amended, in part, recites "a cover fastener mechanism capable of applying a discrete fastener for securing said cover to said product" (added language underlined). The Applicant respectfully submits that the added claim language merely clarifies limitations previously included and fully supported in the written description. In particular, the written description clearly defines "a cover fastener" to be a staple gun, riveter, nail gun, or similar mechanism for fastening a cover to the product. Such mechanisms are used for driving discrete fasteners such as staples, rivets, nails and the like.

Claim 9 is currently amended herein to correspond with the antecedent basis provided in claim 1.

Similar to claim 1, independent claim 12 is currently amended to further clarify the claim language used in view of the written description, and claim 20 is currently amended to correspond with the antecedent basis provided in claim 12.

Claims 1, 3-4, 8, 12-15, and 19 stand rejected under 35 USC 102(b) as being anticipated by Blumle (US 4,896,480). Blumle discloses a machine for placing pre-formed box covers on boxes traveling along a conveyor (col. 1, lines 7-9; col. 2, lines 43-48). The machine includes a cover magazine for holding pre-formed box covers, a lowerable cover support for lowering one

side of a cover downward from the magazine to meet with a leading top edge of a box traveling along the conveyor, and a roller device for applying downward pressure to the cover so that the cover fits over the box as it travels down the conveyor (col. 2, line 25 to col. 3, line 34). The lowerable cover support merely lowers a cover for the next box traveling on the conveyor below the magazine, whereafter the continued motion of the box along the conveyor pulls the cover from the cover magazine (col. 3, lines 35-46). However, Blumle does not disclose a cover fastener mechanism capable of applying a discrete fastener for securing the cover as in the independent claims 1 and 12.

The Applicant respectfully submits that claims 1 and 12 are not anticipated by Blumle because Blumle does not disclose the same invention. By virtue of their direct or indirect dependency on claim 1 or 12, claims 3-4, 8, 13-15, and 19 are likewise not anticipated by Blumle. Therefore, the rejection as to the anticipation of claims 1, 3-4, 8, 12-15, and 19 by Blumle should be withdrawn.

Claims 1, 2, 8, 9, 12, 16, 19-20, and 23 stand rejected under 35 USC 102(b) as being anticipated by Winski *et al.* (US 5,336,042). Winski *et al.* discloses a palletizing machine having a load forming station, a device for placing a layer on a pallet, devices for forming and placing a cap on the layer, devices for applying restraint to the formed edges of the cap, and methods for stretch wrapping the palletized load (abstract; col. 2, line 58 to col. 3, line 17). The machine includes a suction cup pick-up assembly for moving a cap sheet from a stack of cap sheets to a forming station wherein the cap sheet is folded using mandrel and plow devices (col. 9, lines 17-38). The pick-up assembly is then used to move the formed cap onto the next layer on the pallet. Once several layers are placed on the pallet, a plow device is lowered over the layers applying mechanical restraint to the formed edges of the caps covering each layer and allowing for the application of tape to hold the edges down. The plow device is then raised in coordination with a stretch wrapping operation (col. 11, lines 40-58; col. 12, line 57 to col. 13, line 15). However, Winski *et al.* does not disclose a cover fastener mechanism capable of applying a discrete fastener for securing the cover as in the independent claims 1 and 12.

The Applicant respectfully submits that claims 1 and 12 are not anticipated by Winski *et al.* because Winski *et al.* does not disclose the same invention. By virtue of their direct or indirect dependency on claim 1 or claim 12, claims 2, 8, 9, 16, 19-20, and 23 are likewise not

anticipated by Winski *et al.* Therefore, the rejection as to the anticipation of claims 1, 2, 8, 9, 12, 16 19-20, and 23 by Winski *et al.* should be withdrawn.

Claims 3-5 stand rejected under 35 USC 103(a) as being unpatentable over Winski *et al.* The Examiner takes Official Notice that enabling rotation about a vertical axis would have been obvious to one of ordinary skill in the art for adjusting the position as desired in order to better align the cover with the products below. However, the Applicant respectfully submits that the rejection of dependent claims 3-5 under 35 USC 103(a) as being unpatentable over Winski *et al.* is rendered moot in view of the Applicant's remarks above regarding Winski *et al.* and independent claim 1. That is, the independent claim 1 is patentable over Winski *et al.*, and, therefore, dependent claims 3-5 are also patentable over Winski *et al.* for at least the same reasons.

Claims 10, 11, and 21-22 stand rejected under 35 USC 103(a) as being unpatentable over Winski *et al.* in view of Blumle. However, each of the claims 10, 11, and 21-22 directly or indirectly depend from either independent claim 1 or independent claim 12 and are, therefore patentable over Winski *et al.* in view of Blumle for at least the reasons that claims 1 and 12 are patentable over Winski *et al.* in view of Blumle.

Claims 6-7 and 17-18 stand rejected under 35 USC 103(a) as being unpatentable over Winski *et al.* in view of Hannen (US 5,216,871). Hannen discloses systems for stretch wrapping a palletized load whereby the palletized load may be lifted or turned so that the stretch wrap material may be applied diagonally from corner-to-corner (col. 1, line 60 to col. 2, line 21). The Examiner asserts that it would have been obvious to one of ordinary skill in the art to include the teachings of Hannen in the invention to Winski *et al.* for adjusting the height of the load during the stretch wrapping procedure. However, Hannen does not disclose a cover fastener mechanism capable of applying a discrete fastener for securing the cover as in the independent claims 1 and 12, and, therefore, does not cure the deficiencies of Winski *et al.* That is, claims 1 and 12 are not obvious over Winski *et al.* in view of Hannen. Thus, claims 6-7 and 17-18, which depend from independent claims 1 or 12, are likewise not obvious over Winski *et al.* in view of Hannen.

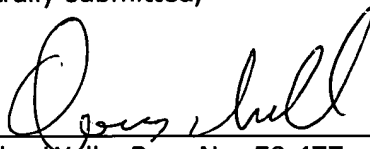
While the above remarks specifically address the Examiner's objections and rejections, the Applicant respectfully submits that there are substantial differences between the prior art and the invention as claimed that are apparent not only in the independent claims but also in

the several dependent claims. That is, the dependent claims have not been specifically addressed by the Examiner in the Office Action or discussed by the Applicant in the remarks above. However, the dependent claims include limitations that further distinguish the invention from the prior art. For example, dependent claims 8 and 9 add the limitations wherein the protective cover is configured to cover an end of the product, a portion of each side adjacent to the end, and a portion of a top adjacent to the end, wherein the cover fastener mechanism includes a pressure applicator capable of folding the protective cover along relieved portions formed therein over the sides and the top of the product and to apply fasteners thereto. Claims 19 and 20 are drawn to similar limitations further narrowing the limitations set out in independent claim 12. None of the cited prior art discloses anything whatsoever involving an apparatus for applying a protective cover to the end of a product and applying fasteners to portions formed over the sides and the top of the product to secure the protective cover to the product.

The Applicant respectfully requests that the Examiner revisit the several dependent claims because the limitations drawn further distinguish the invention from the prior art.

The Applicant respectfully submits that claims 1-23 are now in a condition for allowance and the Applicant respectfully requests allowance of such claims. If the Examiner feels that prosecution and issuance of a Notice of Allowance might be expedited by direct correspondence with the Applicant, the Examiner is invited to call the undersigned Applicant's representative.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Douglas Wells", is written over a horizontal line.

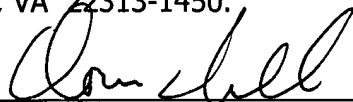
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Reply to Office action of June 29, 2005

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: September 29, 2005

  
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J. Douglas Wells